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Attorneys for Plaintiffs  
 TRI-VALLEY CARES, NUCLEAR  
 WATCH OF NEW MEXICO, MARYLIA KELLEY,  
 JANIS KATE TURNER, TARA DORABJI,  
 HENRY C. FINNEY and CATHERINE SULLIVAN

IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

TRI-VALLEY CARES, NUCLEAR WATCH OF )  
 NEW MEXICO, MARYLIA KELLEY, JANIS )  
 KATE TURNER, TARA DORABJI, HENRY C. )  
 FINNEY and CATHERINE SULLIVAN, )

Plaintiffs, )

v. )

UNITED STATES DEPARTMENT OF )  
 ENERGY, NATIONAL NUCLEAR SECURITY )  
 ADMINISTRATION, LAWRENCE )  
 LIVERMORE NATIONAL LABORATORY, and )  
 LOS ALAMOS NATIONAL LABORATORY, )

Defendants. )

Civ. No. C-0-3-3926 SBA

**~~PROPOSED~~ ORDER APPROVING  
 STIPULATED SCHEDULE FOR  
 RESOLUTION OF PLAINTIFFS'  
 CLAIM TO ATTORNEY'S FEES AND  
 COSTS**

Dept: 3

Judge: Hon. Sandra B. Armstrong

Upon consideration of the parties' stipulation, and for good cause shown, it is ORDERED  
 that the following procedure shall govern resolution of Plaintiffs' claim to attorney's fees and under

1 EAJA for the above captioned matter:

2 1. The deadline for filing a fee motion under EAJA is 90 days from the Ninth Circuit's  
3 October 16, 2006 decision, or January 14, 2007;

4 2. The issue of whether Plaintiffs are entitled to an award of attorneys' fees and costs under  
5 EAJA in this case is bifurcated from the issue of the amount of any such award;

6 3. On December 22, 2006, Plaintiffs will file a brief on the issue of their entitlement to fees  
7 and costs under EAJA and shall notice a hearing on that issue pursuant to Local Civil Rule 7-2(a);


8 4. Defendants will file a brief in response to Plaintiffs' brief regarding entitlement to fees  
9 and costs as provided by Local Civil Rule 7-3(a);

10 5. Plaintiffs will file a reply on the issue of their entitlement to fees and costs under EAJA  
11 as provided by Local Civil Rule 7-3(c); and

12 6. Should the Court determine that Plaintiffs are entitled to an award of fees and costs under  
13 EAJA, the parties will engage in good faith efforts to resolve the amount of such an award. Should such  
14 negotiations fail, the parties will submit to the Court, within 30 days of the Court's decision regarding  
15 Plaintiffs' entitlement to an award of fees and costs, a stipulated schedule for resolution of the issue of  
16 the amount of such award.

17 IT IS SO ORDERED.

18  
19 Dated: 11/29/06

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge